IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.2517 OF 2004

Manohar Sonba Gade)..Petitioner

Versus

Jayantilal Deepchand Parmar)..Respondent

Mr.N.P. Deshpande for the Petitioner.

Mr.S.G. Page for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 17TH AUGUST 2005

P.C.:

. This Petition challenges the order dated 3rd December 2003 passed in Civil Appeal No.736 of 2002. The Petitioner claimed that the Respondent, who claimed to be the landlord, had a share in the undivided property. The Respondent had purchased the suit premises in a public auction which, according to the Petitioner, was illegal. The trial Court has dismissed the Suit. The Appellate Court has considered all the submissions made by the Petitioner and has held rightly that the tenant could not challenge the title of the landlord. Moreover, there are documents on record to show that the Petitioner was informed that the suit premises have been purchased by the Respondent and, therefore, Petitioner could not now challenge the title of the Respondent. Petition rejected.